

EXHIBIT 19

COPY

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LABOR RELATIONS BOARD

CRAWFORD CENTRAL EDUCATION ASSOCIATION, :
 Complainant :
 vs. : Case No. C-96-243-W
 :
 CRAWFORD CENTRAL SCHOOL DISTRICT, :
 Respondent :

ORAL DEPOSITION OF KATHLEEN BAUER

The oral deposition of KATHLEEN BAUER was taken on Thursday, February 6, 1997, scheduled to begin at 3:30 p.m. at the law offices of Thomas, Spadafore, Walker & Keenan, L.L.P., 296 Chestnut Street, Meadville, Pennsylvania, pursuant to the Pennsylvania Rules of Civil Procedure.

APPEARANCES

Representing the Complainant: JOHN P. JONES, ESQ.
 PSEA
 4250 Route 6N
 Edinboro, Pennsylvania 16412

Representing the Respondent: EMIL M. SPADAFORE, JR., ESQ.
 296 Chestnut Street
 Meadville, Pennsylvania 16335

Official Court Reporter: JAMES I. McCLEERY
 COURT REPORTERS
 Denise L. Vasko
 1243 Liberty Street, Suite 306
 Franklin, Pennsylvania 16323

I N D E X

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WITNESS

Kathleen Bauer

Examination by Mr. Jones	3
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1 (Deposition commenced at
2 (3:55 p.m. with both counsel
3 (present as noted.

4

5

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8 KATHLEEN BAUER, being first duly sworn, testified as follows:

9

10 EXAMINATION BY MR. JONES:

11

12 Q Why don't you spell your last name for the court
13 reporter.

14 A It's B-A-U-E-R.

15 Q Kathy Bauer. Where do you live, Kathy?

16 A I live at 139 Smith Street, Cochranton, Pennsylvania.

17 Q What's your position with the Crawford Central School
18 District?

19 A I'm a learning support teacher, special education.

20 Q How long have you been in that position?

21 A This is my twenty-fifth year.

22 Q Now, Kathy, you gave some testimony at an arbitration
23 hearing regarding incidents on March 12, 1996 with
24 Claudette -- it was at that time Claudette Mitchell --
25 and I wanted to ask you, were you in the office at

1 Meadville Area Senior High School on the evening of
2 March 12, 1996?

3 A I was.

4 Q And could you tell us why you were there?

5 A I was waiting to make a phone call. We had arranged
6 parent conferences. I had a message from one of my
7 parents concerning the conference that evening, and I
8 had to return the phone call and I was waiting to use
9 the phone, which was in use.

10 0 Who was on the phone?

11 A Mary Lynn Peters.

12 O Is she another teacher there at Crawford Central?

13 A Yes, she is, the music teacher.

14 Q Who else was present at that time, Kathy?

15 A Mrs. Smith, the school secretary, was there.

16 Dr. Berkebile was behind the counter. At some point
17 then, Mrs. Mitchell came in; Mr. Deshner; and there were
18 a set of parents, mother and father, were there; and I
19 believe Mrs. Templeton was back near the offices.

20 Q Now, about what time was this you said Claudette
21 Mitchell came in? About what time was that?

22 A It was six or shortly thereafter. It was well before
23 six-thirty, because my first conference was at six-
24 thirty.

25 Q And could you tell us, after Ms. Mitchell entered, what

1 you remember about the events that transpired in the
2 office?

3 A I guess, when I first took note of what was going on, it
4 was when the conversation became loud. The parent was
5 yelling at Mrs. Mitchell and Mr. Deshner was also loud
6 and the conversation seemed to be about where and what
7 time this conference had been scheduled for, and
8 Mrs. Mitchell had indicated that she had arranged the
9 conference for six-thirty in her room and Mr. Deshner
10 kept repeating that he had arranged the conference for
11 six o'clock in his office.

12 Q Okay. And what kicked off, or what started, this
13 discussion, let's say?

14 A I think, just when she came in to find out, you know,
15 what was going on there with the conference time. I'm
16 not sure if they called her from her room or how that
17 was -- how that happened, but she -- The parents were
18 waiting and Claudette came into the office and was
19 greeted by Mr. Deshner and the parents. They were
20 waiting.

21 Q Now, you said, "the parent." How was the parent
22 communicating, like in what tone of voice?

23 A He was loud and he was angry and very short, using --
24 I think what drew my attention was, he was using some
25 fairly inappropriate language for a public place like

1 that, and I knew he was angry just by his tone.

2 Q Okay. And how was -- How would you characterize how
3 Mr. Deshner was responding to this?

4 A At first I didn't pay much attention to him. He was
5 talking and I wasn't aware of the conversation until he,
6 you know, he got very adamant, very loud, also, and I
7 don't know if he was loud trying to talk over the
8 parent, who was even louder, but he was -- he was very
9 angry, you know, appearance, and just trying to get his
10 point across, and I think probably he was trying to move
11 them to the office -- into the office -- from the -- or
12 his office from that main office lobby there.

13 Q And what was he saying?

14 A He wanted -- He said that the conference was scheduled
15 for six o'clock in his office and he wanted it to take
16 place right now. He wanted to move the conference back
17 there.

18 Q Now, you said the parent was using inappropriate
19 language, talking very loud, possibly yelling.

20 A Uh-huh.

21 Q Was -- Did anyone try to put a stop to that?

22 A As far as anyone else in the office?

23 Q Yes.

24 A Not that -- other than Mrs. Peters going over to ask if
25 she could be the representative in the meeting.

1 Claudette had repeatedly asked for a building rep to sit
2 in the conference with her, and Mary Lynn then hung up
3 the phone and looked at me and asked if she should go
4 over, and I said yes. I couldn't because I had a parent
5 conference coming up, and she was just on the phone with
6 her parent who had canceled, so she had some free time,
7 so she went over to ask if she should represent and came
8 back and indicated, no, that she was not permitted to do
9 that at the time.

10 Q Did Mary Lynn at that time have any position in the
11 Association?

12 A We both had served as building reps, and, so, we were
13 familiar with the process and could have served in that
14 capacity.

15 Q Now, how was everyone standing in the office? You said
16 there was an outer office. Why don't you tell us how
17 everyone was standing.

18 A When you come in the office, you're faced with a
19 counter, a long counter, that runs pretty much the
20 length of the office, and I was behind that counter.
21 The phone and the computer and everything the faculty
22 uses is behind that. To the left, as you come in the
23 office, there's a group of seating, and the parents had
24 been sitting in those seats there. Claudette was pretty
25 much standing, when she came in, in front of the door,

1 and Mr. Deshner was standing to her right, in front of
2 the mailboxes. Dr. Berkebile was behind the counter and
3 so was Mrs. Smith.

4 Q And as this -- as the interaction between these people
5 went forward, how did they end up standing in relation
6 to each other?

7 A Mrs. Mitchell was in the center and the parent was very
8 close to her left side and Mr. Deshner was on the right
9 side.

10 Q How close, relatively?

11 A Probably a foot, maybe less. Very close proximity.

12 Q Now, this -- You said that Ms. Mitchell had asked for a
13 union representative.

14 A Yes.

15 Q There was some talking back and forth. About how long
16 did this go on?

17 A Maybe five to seven minutes, total, you know, from the
18 time they came in until they dispersed.

19 Q And how did it -- You said they dispersed. How did that
20 end? Did Ms. Mitchell leave the --

21 A I wasn't sure exactly what happened. Yes, she left, and
22 I wasn't sure if she was upset or just exactly where she
23 went at that point.

24 Q And was there -- Besides the parents and the people
25 you've mentioned, was there anyone else in the office as

1 far as parents or students?

2 A I can't -- Offhand, I can't remember if there was anyone
3 there present, but the attendant's window was open and
4 there were parents, you know, passing by in the outer
5 hall from the office.

6 Q All right. Now, if a principal was going to participate
7 in a parent conference with you, how much notice do you
8 get of that, if any?

9 A It depends. I usually set the conferences in my own
10 situation and I usually ask the principal to attend, so
11 I set the time and the place, usually.

12 Q Has there ever been times when a principal wanted on
13 their own to participate, you didn't ask them?

14 A Sometimes a parent would call a principal and ask for
15 some type of a conference to be set up, and at that
16 point the principal will then set it and notify me that
17 the parent was coming in at such-and-such a time.

18 Q Now, when you have a principal in a parent conference,
19 what role do they normally serve?

20 A Usually, a mediator. In my case with IEPs, they are the
21 legal facilitator for the school district, and I would
22 imagine in any parent conference, at least that I've
23 been involved with, they act in the role of mediator or
24 facilitator of the meeting.

25 Q And just finally, Kathy, the events that we discussed

1 and you just testified to, what are your thoughts on how
2 that situation was handled?

3

4 MR. SPADAFORE: I'm going to object
5 to this. I mean, you can ask her a precise question,
6 but I'm going to object to the form of the question.

7

8 Q How about: Kathy, do you feel that the situation was
9 handled properly?

10

11 MR. SPADAFORE: My objection to that
12 is, this is for the arbitrator -- or the hearing officer
13 -- this is for the hearing officer to decide, not for
14 Mrs. Bauer to decide.

15

16 Q Mr. Spadafore's objection will be noted on the record,
17 so you can go ahead and answer that question. Did you
18 feel that the situation was handled properly?

19 A I think it was -- and just in my opinion, I would hope
20 that it would never happen to me. I was not involved in
21 it and I was pretty intimidated, and I thought it was
22 unfortunate because of parent conference night and other
23 people in the vicinity to hear that.

24

25 MR. JONES: That's all I have for

1 Kathy.

2 MR. SPADAFORE: Thank you.

3

4 EXAMINATION BY MR. SPADAFORE:

5

6 Q Kathy, to set up the stage for the hearing officer: It
7 would be fair for me to say, would it not, that this
8 particular night was parent conference night?

9 A Yes, it was.

10 Q And that in Crawford Central School District, that means
11 that all parents are invited to come into the school and
12 talk to the teachers; is that correct?

13 A Not all parents. The teacher chooses the parents that
14 they wish to see and then we send letters and follow-up
15 phone calls to arrange the time and place of the
16 meeting.

17 Q That's right, not all parents, but parents can request a
18 conference by attending an open house and signing up for
19 a conference --

20 A Absolutely. Yes.

21 Q And then after the parent conferences or open house or
22 at another time, parents can request a conference or the
23 teacher can request a conference.

24 A That's true.

25 Q So this is a night that is generally open to the public;

1 isn't that correct?

2 A (Witness nods head affirmatively.)

3 Q And it's true, is it not, that on this particular night,
4 a number of parents -- I mean, there's generally a good
5 turnout for this event, for conference night; isn't that
6 right?

7 A Yeah. I would say that most of the parents that are
8 contacted make some effort to come in.

9 Q And on this particular night in March, it's true, is it
10 not, that the conferences actually started -- the parent
11 conferences actually were scheduled to start at six-
12 thirty?

13 A That's correct.

14 Q And yet you saw Mrs. Mitchell walk into the principal's
15 office at six o'clock.

16 A I don't know if it was exactly six. It was before six-
17 thirty, between six and six-thirty.

18 Q And isn't it true that at the beginning of this
19 encounter, Mr. Deshner was not angry and upset when he
20 was standing in the front office?

21 A I didn't hear the conversation. He was talking with, I
22 believe, the parent before Mrs. Mitchell got there, and
23 I was unaware of the conversation. As I said, I was
24 waiting for the phone and I was doing something on the
25 computer while I was waiting, so I didn't hear a

1 conversation.

2 Q So it would be fair for me to say that neither the
3 parent nor Mr. Deshner were raising their voice or angry
4 at that point?

5 A No, they were not.

6 Q So the answer is, yes, it would be fair for me --

7 A Yes, it would be fair. I'm sorry.

8 Q That's okay. That was a bad question. Now, let me ask
9 you -- Now, when Mrs. Mitchell came in, there was some
10 discussion about where this conference was to have taken
11 place, as you stated earlier; isn't that right?

12 A Yes.

13 Q And it's true, is it not, that Mr. Deshner had said,
14 "Let's get this conference started, please come into my
15 office"?

16 A Yes.

17 Q And it's true, is it not, that the office where this
18 occurred is in a very public area?

19 A It is.

20 Q And would it not be better, in your opinion, based on
21 what you observed that night, to have moved all the
22 parties into a private office for a discussion?

23 A Yes.

24 Q And when Mr. Deshner requested that the parties move
25 into his office, isn't it a fact that Mrs. Mitchell

1 refused the order of her principal to go into his
2 office?

3 A She requested representation.

4 Q She did not move into his office, as she was requested.

5 A No, she did not.

6 Q In fact, she refused on three separate occasions, did
7 she not?

8 A I believe it was several, anyway, repeatedly.

9 Q Now, when she requested union representation, it's true
10 that the parent explicitly said, "I don't want a union
11 representative in this parent conference"; isn't that
12 true?

13 A That's true.

14 Q And Mr. Deshner heard the parent say that, apparently.
15 Wasn't that apparent?

16 A Yes.

17 Q So Mr. Deshner is now confronted with a teacher who will
18 not move into his office and with a parent who said, "I
19 do not want a union representative in this parent
20 conference"; is that correct?

21 A Uh-huh.

22 Q Now, Mr. Deshner then ordered, in a loud voice,
23 everybody to move into his office; is that correct?

24 A Yes.

25 Q And isn't it true that the parent was yelling and was

1 aggressive?

2 A Yes, it's true.

3 Q And isn't it true that the parent said, "Let's cut this
4 bullshit out and get this conference started right now"?

5 A That is true.

6 Q Faced with that, that's when Mr. Deshner gave the order
7 to move into his office; is that true?

8 A Uh-huh.

9 Q Now, after Mr. Deshner did that and moved into the
10 office, do you know whether Mrs. Mitchell went into the
11 office or did she leave the room at that time?

12 A I think she left the office. I don't know where she
13 went. She left that area right there.

14 Q Now, you've been a union representative for how long?

15 A I have only served -- I served one year as a union rep.

16 Q And you've been at the high school for how many years?

17 A Twenty-five.

18 Q And in all of that time, have you ever been asked to
19 attend a parent conference as a union representative?

20 A No, I have not.

21 Q As a teacher for twenty-five years, have you ever been
22 involved in a difficult parent-teacher conference in
23 which Mr. Deshner was involved?

24 A I have been involved in many.

25 Q And how would you describe Mr. Deshner's behavior as a

1 mediator, or as mediating disputes, between parents and
2 teachers?

3 A In my personal situation, he was always an asset to my
4 conferences, you know. He knew the legal law of special
5 education and IEPs and he was always very helpful in
6 supporting the program and the staff and helping to have
7 the parents understand the situation.

8 Q So would you say that Mr. Deshner is very good at being
9 a -- at mediating disputes between parents and teachers?

10 A Yes, I would say that, from my standpoint.

11 Q Based on your experience, only your experience.

12 A Right, right.

13 Q Now, have you been involved in parent conferences where
14 there is a guidance counselor involved?

15 A Yes, I have. In fact, most of my conferences have a
16 guidance counselor present.

17 Q And, in fact, wouldn't it be fair for me to say that the
18 normal course and practice in parent conferences is to
19 have a guidance counselor involved, specifically the
20 guidance counselor who oversees that student?

21 A If we're talking about the student's academic progress,
22 it's very appropriate.

23 Q And Mr. Bowser is a guidance counselor, is he not?

24 A Yes, he is.

25 Q Are you aware that Mr. Bowser was called into the Hogan

1 meeting with Mrs. Mitchell?

2 A I became aware of that long after the fact, after that
3 evening was over.

4

5 MR. SPADAFORE: That's all I have.

6 MR. JONES: I don't know if we can
7 stipulate to this but Bowser is not in the union.

8 MR. SPADAFORE: Yes, that's correct.

9 MR. JONES: Not in the union, not in
10 the unit.

11 MR. SPADAFORE: But he is a guidance
12 counselor at Meadville Area Senior High.

13 MRS. BAUER: Yes, he is.

14

15 (Deposition concluded at

16 (4:15 p.m.

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CERTIFICATION

I, Denise L. Vasko, do hereby certify that the foregoing typewritten pages contain a full, true and correct transcription of my shorthand notes taken upon the occasion set forth in the caption hereof, as reduced to typewriting by me or under my direction.

Witness my hand this 4th day of March,
1997, A.D.

Denise L. Vasko

Denise L. Vasko

Notary Public

Court Reporter

LAWYER'S NOTES

